

FULL RESPONSE FROM THE ADF TO 7.30

The following statement can be attributed to a spokesperson from Defence—

The ADF is confident that due process was followed during the Mirwais and Wahab Inquiry Officer Inquiries (IOI).

Defence IOIs enable Defence to thoroughly examine an incident, including those in a combat environment to determine the surrounding circumstances including whether Defence as an organisation follows internal procedures and policies, and makes findings and recommendations for improvement.

In the case of the Mirwais IOI, the Inquiry team was appointed by the Chief of Joint Operations in consultation with the Department of Foreign Affairs and Trade and in accordance with a whole-of-government agreement. It was headed by a senior Army officer with extensive operational experience and assisted by an Army Legal Officer. Defence judges that these officers were of an appropriate rank, appropriately trained and equipped to conduct the IOI.

All available evidence relevant to the inquiry's terms of reference was considered during the IOI process, including the helmet camera footage from the patrol, which is referenced in the IOI report. Defence is not aware of any other video footage that exists that is relevant to the incident.

The use of personnel protection equipment was relevant to the terms of reference and was examined as part of the IOI. The report found that Mr Savage was provided with all relevant standard issue protective equipment in line with Defence's policy for government agency civilians in Afghanistan. The report did not conclusively find that the use of non-issued personnel protective equipment or his BMI contributed to the injuries Mr Savage sustained.

The protection of Australian civilian personnel was provided by ADF elements or comparable force elements from our international partners which, in this case, included the United States security forces. The Inquiry Officer Inquiry found that the United States security force element's actions were competent, diligent and thorough. The IOI report did not identify any shortfalls with the US security force tactics, techniques and procedures prior to the mission on 26 March 2012.

The actions taken by the United States security force immediately after the incident, may have saved Mr Savage's life.

Defence recognises the significant contribution Mr Savage made during his service in support of Australia's whole-of-government mission in Afghanistan. The IOI report included a range of findings and recommendations for improvement and further review regarding the force protection and management of other government agency civilians in Afghanistan.

Defence continues to recognise and honour the service of PTE Poate, SPR Martin and LCPL Milosevic. Defence also remains respectful of the Office of the Queensland State Coroner and the coronial inquiry process. As part of that process, Defence made submissions in support of the officers and other personnel involved. Defence maintains the understanding that, given the heightened threat and complex security environment at both the time of the incident and during the conduct of the Inquiry, the resulting report is comprehensive and appropriately addresses the terms of reference issued by the Appointing Authority.